

OPINION DAY IN SUPREME COURT

Number of Interesting Decisions Handed Down Yesterday by Highest Tribunal.

NOTTOWAY TREASURY MATTER

County Wins in Controversy With Newport News Over Question of Taxes.

Action in a number of interesting cases, including that of the Nottoway treasury matter, reported elsewhere, was announced in the Supreme Court of Appeals yesterday. In the case of the Board of Supervisors of Nottoway County vs. Powell, from the Circuit Court of Prince Edward county, the opinion of the court, written by Judge Stafford G. Whittle, reverses the decree sustaining the demurrer and the bill, and remands the case for further proceedings. Judge James Keith, president of the court, and Judge R. H. Cardwell filed a dissenting opinion, affirming the decree of the Circuit Court of Prince Edward county, but granting leave to the appellant to amend its bill should it desire to do so. Judge Whittle says:

"The court concurs in the dissenting opinion of the president, to be handed down in this case, except with respect to the charges in the bill involving the alleged failure of the defendant in error, J. L. Powell, as treasurer of Nottoway county, to return with his biennial list the original tax tickets for each and all the items embraced therein, and to account for subsequent collections alleged to have been made by him on tax tickets included in such lists.

"We are of opinion that the treasurer was not entitled to receive credit by any delinquent taxes until, and unless the original tax tickets were filed with the clerk; and also that he is liable for all moneys received by him on tax tickets contained in delinquent lists. We are further of opinion that the plaintiff in error, the board of supervisors, is entitled to maintain the bill in this respect of the case; and, upon the exhibits filed therewith, to have a reference to a commissioner in chancery with regard to such tickets and collections, and to hold the treasurer responsible, to the extent of the county's interest therein, for all such taxes as were not collected by him, or which he ought to have collected by the exercise of due diligence.

"We are further of opinion that section 612, Virginia Code, 1901, and certain sections, providing for the collection of delinquent taxes from taxpayers, apply only to cases in which the lists have been returned by the treasurer in good faith in conformity to law, and that they afford no remedy against a treasurer who has, in violation of the law, collected taxes included in the delinquent lists. The board of supervisors can alone hold a treasurer responsible for the collection of taxes, so far as the county levy is concerned. The statutes invoked have no application to such cases—they afford remedies against delinquent taxpayers, and their remedy is none against a defaulting treasurer.

"The plaintiff alleged that the treasurer, after having returned certain taxes as delinquent, and made no return, and further that on taxes not paid by December 1st, he collected a penalty of 3 per cent. Instead of a per cent. as provided in the statute. The decree of the Circuit Court is a voluminous one, covering about fifteen typewritten pages.

County Wins Case.
The opinion of the court, written by Judge George M. Harrison, reverses the decree of the Board of Supervisors of Nottoway County vs. Powell. Circuit Court of Prince Edward county. Reserved, P. Keith, and J. Cardwell, dissenting. The court contended that it was entitled to all the revenue derived from taxation upon the rolling stock of a public service corporation. Hampton, Elizabeth city county, is the defendant of the railway in question, the Newport News and Old Point Railway and Electric Company. The commission, after ascertaining the assessed value of property, contended that the same rule of taxing railway property at its domicile did not apply to electrically propelled railways, and so divided the revenue between the county, giving the county about \$17,000 and the city about \$27,000. From this order of the commission the county appealed. The court in its opinion that the county had the right of appeal in an action against the city; that the county as the domicile of the corporation is entitled to the entire tax on the rolling stock, and is entitled to amend its order. The decision is an interesting one, and means \$37,000 more revenue for Elizabeth city county.

Rehearing denied in the case of Smiley vs. The Provident Life Association, from the Circuit Court of Augusta county. At the January term the writ of error formerly awarded in this case, an action of ejectment, was dismissed, as improvidently awarded, upon the ground that there had been no final judgment. In concluding the opinion reversing the rehearing, the court says:

"We are of opinion that the language of section 3454, as amended, does not give a party in an action of ejectment the right to have the proceedings in the cause reviewed by this court until a final judgment has been entered in the cause."

In Woody's Administrator vs. Bowman, from the Chancery Court of the city of Richmond, Judge Whittle wrote the opinion of the court, reversing the decree of the Chancery Court, and sustaining the validity of Schauf's claim to the proceeds of a policy of insurance. The plaintiff sought to enjoin Schauf from collecting the policy issued on the life of Woody, the benefit of Schauf, Woody being in-



Many a Tailor

never leaves the four walls of his shop. How can such a dull-eyed plodder lend dash and distinction to clothes?

We get our garments from the foremost designers in the foremost fashion centre of the country—New York. Result—clothes of freshest vogues and metropolitan perfection of finish.

Spring Suits, \$12 to \$25.
Spring Topcoats, \$10 to \$27.50.

Tailors are welcome to come and study our styles. We're glad to teach 'em "what's what" for their clients' sake.

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debited to him for more than the amount of the policy.

Suit for Damages.

The judgment of the lower court is affirmed in the case of Foreman vs. the Norfolk, Portsmouth and Newport News Company, from the Hastings County of the city of Portsmouth, the opinion of the court written by Judge Harrison.

The suit is one for damages brought by Foreman to recover for injuries alleged to have been caused by the negligence of the defendant. There were three trials of the suit, the verdict being set aside in all three. The action of the court in setting aside the verdict is assigned as error, but cannot be considered by the appellate court, for the reason that the instructions to the jury were not made a part of the record. On the third trial the defendant demurred to the evidence, and the court sustained the demurrer and gave judgment for the defendant, which action was assigned as an error. The court holds that the contributory negligence of the defendant was the proximate cause of his injury, and was such as to bar all right of recovery. He alleged on appeal that the car within a few feet of him.

Summary of Opinions.

By the Court.
Smiley, etc., vs. Provident Life and Trust Company. Circuit Court of Augusta county. Upon writ of certiorari to reverse. Rehearing refused.

By Judge L. H. Cardwell.
Norfolk and Western Railway Company vs. City of Norfolk. Reversed in favor of defendant in error. By Judge John A. Buchanan.

Town of West Point vs. Bland et al. Circuit Court of King William county. Affirmed.

Board of Supervisors of Elizabeth City County vs. City of Newport News. Reversed. Corporation Commission. Reversed.

Foreman vs. Norfolk, Portsmouth and Newport News Company. Circuit Court of the city of Portsmouth. Affirmed.

By Judge Stafford G. Whittle. Schauf, Chancery Court of the city of Richmond. Affirmed.

Board of Supervisors of Nottoway County vs. Powell. Circuit Court of Prince Edward county. Reserved, P. Keith, and J. Cardwell, dissenting.

By Judge George M. Harrison. Circuit Court of Norfolk county. Writ of error and supersedeas. Bond, \$150.

By Judge George M. Harrison. Circuit Court of Henrico county. Writ of error refused.

By Judge George M. Harrison. Circuit Court of Gloucester county. Writ of error refused.

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STOCKS AND BONDS.

The stock market opened with considerable activity yesterday morning, but a smaller volume of business was done than for some time past. Though there was more confidence in the stability of the market, there was no little nervousness. Within a half-hour after the opening of the New York Stock Exchange, the market weakened and several of the leading securities lost ground from 1 to 2 points. Later there was more strength, but a second weakening, which lasted until nearly the close, when there came a decided spirit and everything on the board closed as strong as the opening.

Richmond traders viewed the board as the ticker called off the sales with more satisfaction than they have felt for two weeks or more. While there were many changes and stocks went down and up and vice versa, all the signs pointed to a better market. One very good authority said: "The market looks more and more to me as if it was sold out, and I believe it is. It is a good thing, however, that the tendency toward increasing ease, and the bank statement this week will probably be a 'very good one'."

A Gotham authority, or prophet, as the most strongly held in Richmond friends yesterday as follows:

"This market is dull, but very strong. It is a good thing, however, that the tendency toward increasing ease, and the bank statement this week will probably be a 'very good one'."

Articles of Incorporation of the United States Trust Company is to do a general banking business in the District of Columbia for fifty years have been filed in the office of the Recorder of Deeds in Washington. The capital stock is \$1,000,000. Daniel Morgan is named as president, and C. J. Rixey, W. J. Oliver and R. W. Beall, as vice-presidents.

A Boston telegram says: "Some borrowers of money report that they are able to obtain accommodations, where a week ago there was practically no money. They had at any rate, the money they needed, and are increasing. New time money is almost unobtainable. Every loan maturing is renewed at a high rate of interest. Out of town balances here are small, as in most cases out of town insurances are lending their money in the street."

Carload of Passenger Agents Coming to Richmond and Jamestown Exposition.

Fuller is Expected Soon Will Probably Take Up Question of Jamestown Rates With President Stevens.

General Passenger Agent L. W. Fuller, of the Chesapeake and Ohio, is expected to pay a visit to Richmond in a few days, and it is more than likely that he and President Stevens will then take up the question of rates to and from this city, and that they will confer with members of the Chamber of Commerce. Probably at this conference some question of excursion trains and excursion rates will be considered and something definite settled upon.

The general passenger and traffic manager of the Pennsylvania system has informed Traffic Manager Taylor of the Richmond, Fredericksburg and Potomac road, that he will be in Richmond on the 10th of April, and will be accompanied by officials of the passenger department of the Pennsylvania system. It will be about fifty or more passenger agents in the party, and they will reach here by special train about noon on the 10th, and will spend here taking in the historical sights of the capital city, and on the afternoon of the 11th will visit the Jamestown Exposition grounds. Business and pleasure will be combined on the trip.

At the annual meeting of the stockholders of the New York, Philadelphia and Norfolk Railway Company, held in Baltimore on Wednesday, Henry W. Bidlee was elected director in the place of the late A. C. Cassatt. Other directors were re-elected.

The eighth annual convention of the American Railway Engineering and Maintenance of Way Association, which is composed of all the civil engineers of the railways of the United States, is holding a three-days' session in Chicago.

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WRIT DENIED AND HECHLER IS OUT

Supreme Court Sustains Decision of Judge Scott as to County Treasurer.

SUCCESSOR NOT YET NAMED

Former Treasurer Speaks of "Persecution," and Says He Will Run Again.

The Supreme Court of Appeals yesterday declined to grant a writ of error in the case of H. C. Hechler, treasurer of Henrico county, who was removed from office by order of Judge R. Carter Scott, after a hearing on the charge of malfeasance.

The opinion of the court upholds the decision of Judge Scott in every particular. The order removing Mr. Hechler, therefore, stands. Hechler immediately, and Mr. Hechler yesterday afternoon put his affairs in shape and turned over all the books, papers and papers belonging to the treasurer's office to Clerk of the Court Samuel P. Waddill, who will be the custodian pending the appointment of a new treasurer.

Will Run Again.

Judge Scott has not as yet intimated whom he will appoint to succeed Mr. Hechler. While acting yesterday afternoon the latter said:

"In justice to myself and my friends, I feel that I am entitled to say that I think this thing is an unwarranted persecution. The county has never lost a cent, while I have been in office. I have always stood ready to produce all money called for by the auditors, and have examined my books, and my bondholders have made no complaint at renewing my bond from time to time. I shall certainly stand for re-election at the fall election and have many friends in all parts of the county who have pledged me their support."

A curious sidelight on the treasurer-ship contest appeared yesterday in the meeting of the board of supervisors of Henrico county, an account of which is given elsewhere. The question under discussion was the raising of the county tax, ten cents on the hundred dollars. It developed that since the Boarder report of October 1, 1906, the supervisors had never been able to get a clear statement of the amount of money on hand to the credit of the county. The board felt that they would be acting in the dark, and that they were therefore entirely in taking any action without knowing the present condition of the treasury and the prospects for collection, and the matter therefore went over to the next meeting.

Clerk S. P. Waddill said yesterday that he would at once take an inventory of the office and give Mr. Hechler a receipt for all books, papers and cash turned over to him. He said, however, that the announcement in the afternoon papers that he would perform the duties of treasurer temporarily was an error. The court order merely directed him to act as custodian of the office, pending the appointment of a treasurer, and he had no authority to receive or to pay out funds. The business of the office is not heavy at this time, and it is not thought that the interests of the county will suffer for several days. There are a number of candidates who have announced themselves for the fall election. Among others, Mr. W. B. Frayser, chairman of the board of the Handolph Paper Box Company, and Mr. W. B. Broadus, of Glenview.

Judge Scott will not, however, be limited to these in making his appointment for the unexpired term, which runs out the first of January.

The Hechler case has been pending since last October, when Messrs. Boarder and Carter Scott, then acting as auditors, presented to the board of supervisors a statement showing irregularities and shortages in the treasury. The board, in its own defense and admitted using money belonging to the county to save trouble on certain notes at the time of the Hechler case.

Just why the county did not hold the bondholders of the late Mr. Todd for the amount of his shortages has never been clear. The state has been gradually disposing of its holdings, and has now very nearly paid out the amount due by Todd at the time of his death.

Mr. Hechler was not satisfied with the decision of Judge Scott in removing him from office, and petitioned for a rehearing, which was refused. He therefore took the matter to the Supreme Court, which sustained Judge Scott's decision.

HANDSOME ELK POSTER.

Distributed by Committee in Charge of Convention.

PHILADELPHIA, March 21.—What is admitted to be the prettiest poster ever issued in the United States, and which has been reprinted in charge of the arrangements for the coming convention of the Elks, is being distributed in this city during the week beginning July 15th.

The poster, large in size, is in six colors, is emblematic of the Quaker City, and shows Father Penn welcoming, with open arms, the noble animal, from which the order derives its name. The Liberty Bell and Independence Hall are also shown in their proper places, and a pleasing picture is the result. The poster has already been distributed, copies being sent to every lodge in the order and to many of the leading business men of the country. The committee, which is in immediate charge of their distribution, has made ample provision to supply every demand, and those desiring these posters for display in public places should address the committee at once.

Henrico Wedding.

A license was issued yesterday by Clerk Waddill, of the Henrico Circuit Court, for the marriage of Jerome H. Marchant to Miss Minnie Bellair, both of Henrico county.

Miss Jennie Hayes,

Formerly with Miss M. M. Hayes, Announces to her friends and patrons that she has opened

Chirophy and Manicure Parlors AT

211 East Broad Street, CHIROPODIST, MANICURER, FACIAL AND SCALP MASSAGE.



The Piano for You to Buy Best Makes are Here

The Pianos we sell are not the product of a few months of thought; they didn't reach so great a perfection overnight. More than three generations have helped to perfect them.

This has resulted in the best Pianos made. The delightfully beautiful singing tone, the faultless construction, the lasting qualities, the uniformly low prices—these are the points that make our line of Pianos the best for YOU. Note these makes that we offer on liberal terms:

Steinway, Hardman, Kimball, Wheelock, Standard, Stuyvesant, Haines, Brewster, Weser.

Victor Talking Machines Greatest Entertainers

The Victor Talking Machine has long been, and is to-day, the most wonderful and versatile entertainer. It is still more—it instructs, it soothes, gives new hope to many a listener.

The Victor talks, laughs, sings—renders, right in your home, every variety of vocal or instrumental music as natural as can be.

The Victor offers something to suit YOU—YOUR taste, YOUR mood—at YOUR particular time.

Free Concerts Given Every Hour. Free Private Demonstrating Room. Victor Records Fit All Disc Machines. You Can Own One If You Wish.

Wedding Trunks For Bride or Groom

We are offering special for 10 days a line of light weight Trunks, which are positively the best values shown in the city.

Also some leather-lined Ladies' Shopping Bags. The price asked—\$1.00 and \$1.50—is close to actual cost.

703 E. Broad Rountree's Retail Store 703 E. Broad

MONEY PROBLEM WORRIES BOARD; MAY RAISE LEVY

Has Had No Statement of Condition of Treasury, However, and Defers Action Until New Officer Can Inform It of Situation.

The board of supervisors of Henrico county met yesterday, with the county clerk as moderator, for the consideration of a number of important matters.

Notice was received from Messrs. Ragland & Slaughter, contractors for the county jail, that the building was ready for occupancy. No action was taken, as Mr. Charles K. Frayser, county treasurer, and the expense for roads and schools being practically the same as heretofore. The withdrawal of the county police in the annexed territory has been almost the only reduction in the county's expense.

Chairman Frayser stated, however, that the board did not know, and had no statement since the Boarder report of last October, how much money was to the credit of the county, nor whether the present county levy was sufficient to run the county through the remainder of this year.

Several members of the board advocated raising the levy ten cents on the hundred dollars, rather than risk drawing on the surplus. It was decided to let the matter go over to next Wednesday, when a special meeting will be held at 10 A. M. It is hoped that by this time the board will have been appointed, and the board will be able to act with full knowledge of the amount on hand and the balance required.

A general discussion of the tax levy followed. It developed that about one-third of the taxable values had been taken into the city by the annexation act, and that the county had now but about \$100,000 of values for a tax basis. No reduction of the county expense can be made, however, all salaries of officers continue to be paid, and the expense for roads and schools being practically the same as heretofore. The withdrawal of the county police in the annexed territory has been almost the only reduction in the county's expense.

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